



PATENT EPC-148

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lisbeth Illum

Serial No.: 08 / 065.676

Case No. 93-1732

For: "Small Particle Compositions For Intranasal Drug Delivery"

Group No.: 1502

Examiner: Kishore, G.

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

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MAR 28 1994

GROUP 1500

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- a small entity — verified statement:
 - attached.
 - already filed.
 - other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Patricia Jimenez

(Type or print name of person mailing paper)

Date: March 21, 1994

~~11-12-1948~~ 11-12-1948

(Signature of person mailing paper)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 360.00	\$180.00
<input type="checkbox"/> three months	\$ 840.00	\$420.00
<input type="checkbox"/> four months	\$1,320.00	\$660.00

Fee \$_____

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

OR

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal [9-19]—page 2 of 4)

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. RATE	ADDIT. OR RATE
TOTAL	MINUS ..	=	x11= \$	x22= \$
INDEP.	MINUS ...	=	x37= \$	x74= \$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+115= \$	+230= \$
			TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$

- If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
- If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
- If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c) No additional fee for claims is required.

OR

(d) Total additional fee for claims required \$_____.

FEE PAYMENT

5. Attached is a check in the sum of \$_____.

Charge Account No. _____ the sum of \$_____.

A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. If any additional extension and/or fee is required, charge Account No. 12-2147.

AND/OR

If any additional fee for claims is required, charge Account No.
12-2147

Anne E. Fitzpatrick
SIGNATURE OF ATTORNEY

Reg. No.: 37,132

Anne E. Fitzpatrick

Type or print name of attorney

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(Amendment Transmittal [9-19]—page 4 of 4)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5/B
40
3/30/94

re application of
Lisbeth Illum
Serial No. 08/065,676
Filed: May 21, 1993
For: "SMALL PARTICLE
COMPOSITIONS FOR
INTRANASAL DRUG
DELIVERY"

Examiner: Kishore, G.

Art Unit: 1502

Filed: May 21, 1993

3

For: "SMALL PARTICLE
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GROUP 1500

AMENDMENT AND RESPONSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed December 20, 1993. Reconsideration is respectfully requested in light of the following Amendments and Remarks.

IN THE CLAIMS:

Please amend the claims as follows:

Claim 8, lines 2 and 3, delete ", a lysophosphatidylcholine or a lysophosphatidylglycerol".

REMARKS

Claims 1-14 are pending in the application. Claims 1-14 stand rejected.

Claims 1-2 and 5-14 stand rejected under 35 U.S.C. 112, first paragraph, as the disclosure is enabling only for claims limited to spheres made of the components recited in claim 3. Specifically, the Examiner states that "Applicant has not